

# **Appendix D**

## **INTERAGENCY COORDINATION LETTERS**

STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

**JEB BUSH**  
Governor

**STEVEN M. SEIBERT**  
Secretary

June 14, 2002

Mr. Kenneth R. Dugger  
Department of the Army  
Jacksonville District Corps of Engineers  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

RE: Department of the Army - District Corps of Engineers - Draft Environmental Impact Statement (DEIS) - March 2002 - River Sediments Dredging and Disposal Maintenance Dredging of Miami River - Miami-Dade County, Florida  
SAI: FL200204181843C

Dear Mr. Dugger:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 145 1 1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4231, 4331-4335, 4341-4347, as amended, has coordinated a review of the above-referenced project.

The Florida Fish and Wildlife Conservation Commission (FWC) concurs with the U.S. Fish and Wildlife Service recommendation to use hydraulic dredging to the greatest extent possible. FWC also supports the recommendation to monitor the seagrasses outside the mouth of the Miami River to identify any impacts from the dredging project. In addition, Section 3.5 of the DEIS should clarify that manatees use all of the tributaries of the Miami River, not just Palmer Lake and Seybold Canal. Section 3.7 should be corrected to indicate that manatees are present year-round in the Miami River. Please refer to the enclosed FWC comments for further details.

The Department of Environmental Protection (DEP) recommends that the project sponsor continue to coordinate with the DEP Office of Beaches and Coastal Systems to resolve any outstanding issues related to: sediment quality and composition; sediment placement; dredging/disposal turbidity; resource protection and mitigation; and filling of sovereign submerged lands within the Miami River. Also, the potential impacts of the project are being addressed in the application for a Joint Coastal Permit which provides authorization to use sovereign submerged lands and Water Quality Certification, currently under review. Please refer to the enclosed DEP comments for further details.

Mr. Kenneth R. Dugger  
June 14, 2002  
Page Two

The South Florida Water Management District (SFWMD) notes that the DEIS does not clearly identify the downstream boundaries of the proposed project. A legal description and site sketch that identifies the downstream extent of the project should be provided to SFWMD and included in the final Environmental Impact Statement. Please refer to the enclosed SFWMD comments for further details.

The South Florida Regional Planning Council (SFRPC) notes that certain goals and policies of the Strategic Regional Policy Plan for South Florida should be observed when making decisions regarding this project. Please refer to the enclosed SFRPC comments for further details.

Based on the information contained in the Draft Environmental Impact Statement and the enclosed comments provided by our reviewing agencies, the state has determined that, at this stage, the above-referenced action is consistent with the Florida Coastal Management Program (FCMP). All subsequent environmental documents prepared for this project must be reviewed to determine the project's continued consistency with the FCMP. The state's continued concurrence with the project will be based, in part, on the adequate resolution of issues identified during- this and subsequent reviews.

Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact Ms. Jasmin Raffington at (850) 922-5438.

Sincerely,

Shirley W. Collins, Acting Administrator  
Florida Coastal Management Program

SWC/dc

Enclosures

cc: Bradley J. Hartman, Florida Fish and Wildlife Conservation Commission  
Robert W. Hall, Department of Environmental Protection  
Natalie R. Sanbe, South Florida Regional Planning Council

# FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

---

DAVID K. MEEHAN  
St. Petersburg

H.A. "HERKY" HUFFMAN  
Deltona

JOHN D. ROOD  
Jacksonville

QUINTON L. HEDGEPEETH, DDS  
Miami

EDWIN P. ROBERTS, DC  
Pensacola

RODNEY BARRETO  
Miami

SANDRA T. KAUPÉ  
Palm Beach

KENNETH D. HADDAD, Executive Director  
VICTOR J. HELLER, Assistant Executive Director

BRADLEY J. HARTMAN, DIRECTOR  
OFFICE OF ENVIRONMENTAL SERVICES  
(850)488-6661 TDD (850)488-9542  
FAX (850)922-5679

May 24, 2002

Ms. Cindy Cranick, Director  
Florida State Clearinghouse  
2555 Shumard Oak Blvd.  
Tallahassee, Florida 32399-2100

Re: SAI #FL200204181843C  
Project: US Army Corps of Engineers-  
Draft Environmental Impact Statement-  
March 2002-Maintenance Dredging of  
the Miami River, Miami-Dade County

Dear Ms. Cranick:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission has reviewed the referenced project, and offers the following comments.

This project involves dredging 5.5 miles of the Miami River, from the salinity control structure to the mouth. We provided recommendations to the Department of Environmental Protection for the issuance of the conceptual Water Quality Certification, which includes our recommendations for manatee protection. We also agree with the U.S. Fish and Wildlife Service (FWS) that hydraulic dredging further minimizes risks to manatees, since it does not move through the water column as often as mechanical dredges. For that reason, we recommend the use of hydraulic dredging to the greatest extent possible. In addition, we support the FWS recommendation that the seagrass outside the mouth of the river be monitored to determine any impacts from the dredging project.

In the Draft Environmental Impact Statement under section 3.5, Threatened and Endangered Species, it should be clarified that manatees use all the tributaries of the Miami River, not just Plamer Lake and Seybold Canal. In section 3.7, Fish and Wildlife Resources, it states that manatees "...occur seasonally throughout the length of the river...". This is inaccurate. Manatees are present year-round in the Miami River. Their numbers are higher in the winter.

Ms. Cindy Cranick  
May 24, 2002  
Page 2

If you have any questions regarding these comments, please contact me, or Ms. Carol Knox at (850)922-4330.

Sincerely,

Bradley J. Hartman, Director  
Office of Environmental Services

BJH/CAK  
ENV 7-2-14/1  
a:\1843c.doc

cc: USFWS-Vero Beach

# Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Jeb Bush  
Governor

David B. Struhs  
Secretary

May 31, 2002

Ms. Jasmin Raffington  
Florida State Clearinghouse  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Re: U.S. Army Corps of Engineers, Draft Environmental Impact Statement, March 2002,  
Maintenance Dredging of the Miami River With Disposal of Sediments, Miami-Dade County

SAI: FL 200204181843C

Dear Ms. Raffington:

The Department has reviewed the above-referenced Clearinghouse project and offers the following comments.

The potential environmental impacts of the project are being addressed in the application for a Joint Coastal Permit (JCP), authorization to use sovereign submerged lands, and Water Quality Certification currently under review by the Department, pursuant to Chapters 161, 253, 258, and 373, *Florida Statutes*. Final agency action on the permit application will constitute the State of Florida's final consistency determination.

We recommend that the USACOE and local project sponsor continue to coordinate with the Department's Office of Beaches and Coastal Systems to resolve any outstanding issues related to: sediment quality and composition; sediment placement; dredging/disposal turbidity; resource protection, resource mitigation; and filling of sovereign submerged lands within the Miami River area. For additional information on permitting requirements and information requested by the Department to complete the JCP application, please contact Mr. Kent Edwards in the Office of Beaches and Coastal Systems at (850) 487-4471.

If you need further assistance, please give me a call at (850) 487-2231.

Sincerely,

Robert W. Hall  
Office of Intergovernmental Programs

Cc: Kent Edwards  
Roxane Dow

## **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

May 9, 2002

Consistent/Comments. This project will assist SFWMD efforts to restore, preserve, and protect Biscayne Bay. However, the DEIS does not clearly identify the downstream boundaries of the proposed project. The written location description indicates that the project is proposed within the Federal navigation channel while Sheet 1 of the Miami River 1934 as-builts indicate that the downstream extent of the Miami River Federal navigation channel extends just north of Flagler Avenue, along the eastern shoreline of Bayfront Park. A legal description and site sketch that identifies the downstream extent/boundary of the proposed project should be provided. The DEIS also indicates that the nearest seagrass beds are located approximately ¼ mile away from the mouth of the Miami River. However, based on the above request for information on clarification of the location of the downstream boundaries of the project, it may be necessary to provide a surveyed sketch of the proposed project in rela

**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office  
9721 Executive Center Drive North  
St. Petersburg, Florida 33702

April 2, 2002

Mr. Gordon M. Butler, Chief  
Construction-Operations Division  
Jacksonville District, Corps of Engineers  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

Dear Mr. Butler:

This responds to your March 5, 2002, request for comments on the proposed Miami River Maintenance Dredging Project in Dade County, Florida. According to your letter, the Corps of Engineers (COB), Jacksonville District, has requested conceptual Water Quality Certification from the State of Florida for the proposed project. Your letter also states that a separate draft Environmental Impact Statement (DEIS) is being prepared and will be made available for review.

According to the project description, maintenance, dredging is planned to restore the 15-foot authorized project depth within a 5.5-mile-long segment of the Miami River from its confluence with Biscayne Bay to the salinity control structure located near NW 36<sup>th</sup> Street. Disposal of the dredged material disposal would occur at several upland locations along the river's path. Due to the highly urbanized and industrialized surroundings and the heavy commercial vessel traffic in the area, seagrasses and other productive fishery resource habitats are generally lacking in this section of the Miami River. High concentrations of primarily heavy metals and organic compounds have been in the river's sediments and several studies have shown that the river is a source of contamination to Biscayne Bay<sup>1</sup>. Removal of contaminated sediments is expected to result in long-term improvement of the river's water quality.

There is extensive tidal exchange between the Miami River and Biscayne Bay which, unlike the river, supports a productive and diverse marine/estuarine coastal ecosystem. Seagrass beds and other important fishery habitats exist in the bay near the mouth of the Miami River. The entire bay is designated as an Outstanding Florida Water and Biscayne Bay National Park and Biscayne Bay Aquatic Preserve are located here. Based on these considerations, the potential for contaminated sediments being transported into Biscayne Bay from the proposed dredging location is of concern to the National Marine Fisheries Service (NMFS).

Page 4 of your letter states because the proposed action entails maintenance of an existing Federally authorized navigation channel, it is "grand-fathered" with regard to requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). Please be advised



that, in accordance with 50 CFR 600.920(a)(1) of the MSFCMA regulations, Essential Fish Habitat (EFH) consultation is not required for actions completed prior to the approval of EFH designations; however, consultation is required for subsequent renewals, reviews, or substantial revisions of such actions if EFH would be adversely affected. Therefore, although EFH consultation for the initially authorized dredging of the Miami River is not required, any maintenance dredging conducted for the project is subject to consultation-if the action may adversely affect EFH.

Your letter states that the COE has determined that the proposed action would not adversely impact EFH or Federally-managed fisheries. Although the NMFS agrees that the project should not directly impact EFH, there is a reasonable possibility that secondary, cumulative, or synergistic effects of the project could adversely impact EFH in Biscayne Bay. In connection with this possibility, the NMFS supports recommendations provided by the U.S. Fish and Wildlife Service in their draft Coordination Act Report, dated January 2002. Those recommendations include the use of dredging technologies that reduce bottom agitation, and they call for development of detailed hydrodynamic modeling for the Miami River so that suspended sediment transport into Biscayne Bay is minimized. The report also calls for more detailed pre- and post-project seagrass monitoring in Biscayne Bay near its confluence with the Miami River.

As previously mentioned, the work site borders and includes areas identified as Essential Fish Habitat (EFH) by the South Atlantic Fishery Management Council (SAFMC). Categories of EFH that occur within the project vicinity include marine water column, seagrass, and algae. Federally managed species associated with seagrass habitat include postlarval, juvenile, and adult gray, mutton, lane and schoolmaster snappers, and white grunt. Seagrass habitat and mud bottom have also been identified as EFH for postlarval/juvenile, and adult red drum, and brown and pink shrimp. Seagrass and algae communities also have been identified as EFH for larval spiny lobster. Detailed information on the snapper/grouper complex (containing ten families and 73 species), red drum, shrimp, spiny lobster and other Federally managed fisheries and their EFH is provided in the 1998 amendment of the Fishery Management Plans for the South Atlantic region prepared by the SAFMC. The 1998 generic amendment was prepared in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). The NMFS has developed an applicable FMP for highly migratory species that utilize the marine water column and seagrass beds in this area, including nurse, bonnethead, lemon, black tip, and bull sharks. In addition, Biscayne Bay, Biscayne National Park and submerged aquatic vegetation have also been designated as Habitat Area of Particular Concern (HAPC) by the SAFMC for several managed species. HAPCs are subsets of EFH that are rare, particularly susceptible to human-induced degradation, especially ecologically important, or located in an environmentally stressed area.

In addition to being EFH for Federally managed species, seagrass provides nursery, foraging, and refuge habitat for other commercially and recreationally important fish and shellfish. Species such as blue crab, snook, striped mullet, spotted seatrout, tarpon, and permit are among the many species that utilize these habitats. Seagrasses also produce and export detritus (decaying organic material) which is an essential component of marine and estuarine food webs. The cumulative

effect of adverse impacts to these valuable marine habitats has resulted in a significant reduction of overall fisheries productivity within the Biscayne Bay ecosystem.

In view of the potential adverse effects of this project to EFH, HAPC, and other NOAA trust resources, the NMFS recommends that the following information should be included in the DEIS for the proposed project:

1. An EFH Assessment should be included either as part of the DEIS or as a separate document. It should include the following information: 1) a description of the proposed action; 2) an analysis of reasonably foreseeable impacts including secondary, cumulative, and synergistic effects on EFH, Federally managed fish and major prey species; 3) the COE's views regarding effects on EFH; and 4) proposed mitigation.
2. Prior to construction, updated benthic surveys should be conducted in Biscayne Bay in the vicinity of the Miami River. The survey should include species composition, abundance estimates, and maps of seagrass beds and other benthic resources.
3. A post-project benthic monitoring plan should be developed and incorporated into the overall plan for project monitoring. The monitoring plan should be designed to detect project-related impacts, if any, to seagrasses and other benthic resources in Biscayne Bay.

Following our review of the DEIS and the EFH Assessment for the proposed activity, the NMFS will be able to more thoroughly assess anticipated adverse impacts to EFH and associated marine resources. At that time, we may provide EFH Conservation Recommendations.

We appreciate the opportunity to provide these comments. Related correspondence should be addressed to the attention of Mr. Mika Johnson at our Miami Office. He may be reached at 11420 North Kendall Drive, Suite #103, Miami, Florida 33176, or by telephone at (305) 595-8352.

Sincerely,

Andreas Mager, Jr.  
Assistant Regional Administrator  
Habitat Conservation Division

cc:

EPA, WPB  
DEP, WPB  
SAFMC, CHAS  
FFWCC, TALL  
FWS, VERO  
NMFS, SEFSC-Goodyear  
F/SER3  
F/SER4  
F/SER43-Johnson

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8980

May 13, 2002

James C. Duck, Chief, Planning Division  
Jacksonville District – Corps of Engineers  
P.O. Box 4970  
Jacksonville, Florida 32232

Attention: Mr. Ken Dugger  
Planning Division

Subject: **Draft Environmental Impact Statement (DEIS) for the River Sediments  
Dredging and Disposal Maintenance Dredging of Miami River (MR),  
Miami-Dade County, Florida, (dtd. March, 2002)  
(CEQ #020116, ERP# COE-E35021-FL)**

Dear Mr. Duck:

Pursuant to Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA), EPA (Region 4) has reviewed the subject document, an evaluation of the consequences of a proposal to improve navigational access (to include vessel safety during transit) within in the MR system together with the removal of at least one source of non-point pollution affecting the estuarine habitat in Miami River/Biscayne Bay. These two objectives would be accomplished via removal of contaminated sediments from the entire system, i.e., within the navigation channel and adjacent river bottom. The EIS is conceptual in nature in that it merely outlines the nature of the problem(s) being experienced in the MR system, potential impacts associated with maintaining the status quo (no-action), those effects accruing from the action alternatives, likely scenarios for achieving project goals, and possible difficulties resulting from various excavation/disposal methods. However, actual commitments regarding dredging, handling, and disposal options (location/design) remain to be determined until potential contractors respond to the Jacksonville District's Request for Proposal (RFP).

The Region is on record as supporting the environmental restoration of the MR system. However, the programmatic nature of the document makes it difficult to render a full appraisal of either its specific short- or overall long-term ramifications. While we may agree with the overall action in principle, there are some potential outcomes attendant to specific project elements which could result in environmental impacts.

Therefore, on the basis of our review a rating of EC-2 was assigned. That is, we have some environmental concerns about the potential impacts of this restoration proposal. At a minimum, a preliminary appraisal of this action would only be possible after assessing how the chosen contractor elects to carry out the constituent elements of the final RFP. A monitoring plan (directed by a third party with stringent penalties for non-performance) should also be included in the project's administration to assure that the contractor actually produces the stated deliverables. It would be preferable if the final EIS contained this information. If this is not possible for whatever procedural reason(s), then a supplemental document should be prepared and circulated for review/comment prior to finalizing the "Record of Decision". Some additional specific subject areas which should be addressed/considered in the final document are attached. Thank you for the opportunity to comment on this proposal. If you have any questions, please contact Dr. Gerald Miller (404-562-9626) or Mr. Ron Miederna (561-616-8741) regarding NEPA procedural and wetland technical issues, respectively.

Sincerely,

Heinz J. Mueller, Chief  
Office of Environmental Assessment

Attachment

## DETAILED COMMENTS

The statement made by the U.S. Coast Guard (EIS-4), viz., there will be an unacceptable navigational safety risk on the MR within the next five years, implies that the shoaling has increased compared to historical rates. If this is in fact the case, then the cause(s) should be detailed in the final EIS together with a proposal schedule for future maintenance dredging.

On the basis of information cited from the Seal *et al* (1994) study, the MR has a number of highly contaminated areas polluted with various materials (especially metals singly or in combinations). For example, one site had a lead enrichment factor of over 110 times background. The draft EIS discusses this pollution in general terms, but is unclear if: the actual source(s) of these pollutants have ever been precisely determined (beyond coming from industrial, construction, etc. activities); there is any geographic correlation to the problem which would require special planning (viz., "hot spots"); or the pollution varies (increases or decreases) within the sediment profile (suggesting a definitive trend from past to present). All of these issues are critical to an understanding of the proposal and the significance of the various effects attendant to an ultimately selected action alternative. Moreover, until they are ascertained, it will be difficult to draw any conclusion regarding the effectiveness of current enforcement programs (storm water and removal of abandoned vessels). This determination of clean-up effectiveness is important due to the reality of increasing development in the watershed exacerbating the existing problem (and by extension whether there will be a need to remove polluted sediments from the MR at some point in the future). This information (or as much as is practicable) should be included in the final EIS.

Prior to excavation (dredging) the contractor will have to remove debris within the project reach by some mechanical process (DMMP, Page 21). We understand why this extraction is necessary, but are concerned about its water quality implications. Namely, there is the probability that pollutants currently sequestered in the channel sediments will be reintroduced back into the water column where they would become biologically available. We acknowledge that there is already some resuspension of these sediments via vessel transit; hence, this concern is a matter of degree rather than kind.

The statement is made (page EIS-27) that sediments from the MR are acceptable for ocean disposal in an EPA-approved off shore area. Our records do not indicate that this is the case. Moreover, the statement that bioassay results of MR sediments did not demonstrate significant impact on the organisms exposed to it is contradicted by the NOAA (1999) study in which all the test organisms died. Hence, the statement (page EIS-28) that the MR sediments, while contaminated, are not considered hazardous from a RCRA perspective and would have to be handled using its criteria. There should also be some discussion about the short-term water quality effects of the dredging in the MR as regards its classification as a Class III waterbody in the upper project reaches and an *Outstanding Florida Waters* within its tidal portion. Conversely, the anticipated environmental consequences of the no-action alternative could be compared/contrasted to demonstrate the impacts of maintaining the status quo.

In Section 3.4.2.5.1 of the, DMMP there is a discussion regarding the difficulties of using the USACE/USEPA ocean disposal site because of the polluted nature of material from the MR. The criteria/waiver requirements necessary for ocean disposal are detailed in this section. We suggest that a summary of this information be added to the final EIS to clarify this complex issue.

Section 7 of the DMMP notes that the proposal is a 20-year plan which will meet both “short-term and long-term needs” of the MR. Yet, there is no discussion of any future dredging or material disposal beyond the initial year 2002 evaluation.

In Section 4.11.2 of the DMMP there is a mention of the process EPA and the COE have developed for evaluating water quality impacts resulting from return flow discharges from dredging activities. It would be useful if the final EIS included an overview discussion of the Inland Testing Methods used in evaluating a project’s potential water quality impacts. There is also information in the Draft Miami Water Quality Plan that could be used in this discussion, e.g., the likelihood that a variance from water quality standards will be required.

The COE has developed a model (RECOVERY) for evaluating the release of contaminants into the water column as a result of dredging contaminated sediments. Application of the model would be useful in comparing the impacts of the no-action to those of the various action alternatives. A general appraisal of the different scenarios could be included in the final EIS.

The EIS, DMMP, and Public Notice for the MR provide varying figures for the amount of material which will have to be excavated/disposed. For example, DMMP (page 17, Table 2) states the project will include the removal of 594,000 cubic yards from the federal channel and 184,000 cubic yards of non-federal dredging. According to Public Notice 200201965(IP-SRK), dated April 12, 2002, Miami-Dade County proposes to dredge just 450,000 cubic yards of material from the 5.5 mile length of the Miami River, concurrently with the federal dredging project. There is also some 200,000 cubic yards of material from tributaries of the MR mentioned, Hence, for evaluation purposes the Region used a total figure of (at least) 1,000,000 cubic yards in its estimation of impacts during the review process. If the actual value is significantly higher/lower, this should be noted in the final EIS.

The DMM notes (page 15, 3.3.5) that wetlands are not generally present in the vicinity of the proposed project. Regardless, since this vegetation/habitat type would be subject to evaluation under Section 404 of the Clean Water Act, a ground truth survey should be conducted of the project area prior to construction for verification. Similarly, the statement is made (EIS page 21) that seagrasses do not occur within the MR or around its mouth in Biscayne Bay. This absence should also be verified prior to construction. Detailed surveys of the shoreline and river bottom are necessary under the Section 404(b)(1) Guidelines to ensure appropriate mitigation is provided to offset unavoidable impacts to aquatic resources. These surveys would meet that procedural need.

There are many societal/economic ramifications of this proposal that have not been evaluated in any detail in the draft EIS. For example, during the five-year construction period traffic both shipping and vehicular could be significantly affected along the MR corridor. We suggest that, at

least, an outline of anticipated consequences along with mitigative measures be included in the final EIS.

South  
Florida  
Regional  
Planning  
Council

May 10, 2002

Ms. Cindy Cranick  
Florida State Clearinghouse  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

RE: SFRPC #02-0440, SAI# FL200204181843C – Request for comments on the Draft Environmental Impact Statement for maintenance dredging and disposal of sediments for the Miami River, Department of the Army, Cities of Miami, Hialeah, Miami Springs and Miami Beach, Miami-Dade County.

Dear Ms. Cranick:

We have reviewed the above-referenced application and have the following comments:

- The project should be consistent with the goals and policies of the comprehensive plans for Miami-Dade County and the municipalities of Miami, Hialeah, Miami Springs and Miami Beach and their corresponding land development regulations. It is important for the applicant to coordinate permits with all governments of jurisdiction.
- Staff recommends that, if this permit is granted, 1) impacts to the natural systems be minimized to the greatest extent feasible and 2) the permit grantor determine the extent of sensitive wildlife and vegetative communities in the vicinity of the project and require protection and or mitigation of disturbed habitat. This will assist in reducing the cumulative impacts to native plants and animals, wetlands and deep-water habitat and fisheries that the goals and policies of the *Strategic Regional Policy Plan for South Florida (SRPP)* seek to protect.
- The project is located over the Biscayne Aquifer and in waters of the West Indian manatee and contribute to the waters of Biscayne Bay, natural resources of regional significance designated in the SRPP. The goals and policies of the *SRPP*, in particular those indicated below, should be observed when making decisions regarding this project.



### **Strategic Regional Goal**

- 3.1 Eliminate the inappropriate uses of land by improving the land use designations and utilize land acquisition where necessary so that the quality and connectedness of Natural Resources of Regional Significance and suitable high quality natural areas is improved.

### **Regional Policies**

- 3.1.1 Natural Resources of Regional Significance and other suitable natural resources shall be preserved and protected. Mitigation for unavoidable impacts will be provided either on-site or in identified regional habitat mitigation areas with the goal of providing the highest level of resource value and function for the regional system. Endangered faunal species habitat and populations documented on-site shall be preserved on-site. Threatened faunal species and populations and species of special concern documented on-site, as well as critically imperiled, imperiled and rare plants shall be preserved on-site unless it is demonstrated that off-site mitigation will not adversely impact the viability or number of individuals of the species.
- 3.1.9 Degradation or destruction of Natural Resources of Regional Significance, including listed species and their habitats will occur as a result of a proposed project only if:
- a) the activity is necessary to prevent or eliminate a public hazard, and
  - b) the activity is in the public interest and no other alternative exists, and
  - c) the activity does not destroy significant natural habitat, or identified natural resource values, and
  - d) the activity does not destroy habitat for threatened or endangered species, and
  - e) the activity does not negatively impact-listed species that have been documented to use or rely upon the site.

### **Strategic Regional Goal**

- 3.2 Develop a more efficient and sustainable allocation of the water resources of the region.

### **Regional Policies**

- 3.2.5 Ensure that the recharge potential of the property is not reduced as a result of a proposed modification in the existing uses by incorporation of open space, pervious areas, and impervious areas in ratios which are based upon analysis of on-site recharge needs.
- 3.2.6 When reviewing proposed projects and through the implementation of the SRPP, discourage water management and proposed development projects that alter the natural

wet and dry cycles of Natural Resources of Regional Significance or suitable adjacent buffer areas or cause functional disruption of wetlands or aquifer recharge areas.

3.2.9 Require all inappropriate inputs into Natural Resources of Regional Significance to be eliminated through such means as; redirection of offending outfalls, suitable treatment improvements or retrofitting options.

3.2.10 The discharge of freshwater to Natural Resources of Regional Significance and suitable adjacent natural buffer areas shall be designed to imitate the natural discharges in quality and quantity as well as in spatial and temporal distribution.

- Council staff generally agrees that the proposed project is particularly compatible with the *Strategic Regional Policy Plan for South Florida's (SRPP)* goals and policies listed below:

### **Strategic Regional Goal**

4.1 Achieve a competitive and diversified regional economy, including lower unemployment rate and higher per capita income than the state and national average for Dade, Broward and Monroe Counties through the achievement of cutting edge human resources, economic development infrastructure and other resources to ensure a sustainable regional community.

### **Regional Policies**

4.1.13 Ensure that the conditions of transportation affecting trade opportunities respect to land, air, ground and shipping are addressed.

4.1.15 Enhance the roles of airports and seaports in economic development by:

- e) addressing efficient, dependable, cost-effective intermodal movement of goods and people in order to ensure competitive ship-to-rail and ship-to-highway connections.

4.1.28 Encourage the investment in the land and infrastructure needed for sustainable economic growth. Investments should include land for highway and mass transit corridors, stations and public-private joint venture development opportunities.

Thank you for the opportunity to comment. We would appreciate being kept informed on the progress of this project. Please do not hesitate to call if you have any questions or comments.

Sincerely,

Natalie R. Sanbe  
Senior Planner

NRS/bg

cc: James Duck, Army Corps of Engineers  
Dianne O'Quinn Williams, Miami-Dade County Planning & Zoning  
Jean Evoy, Miami-Dade County DERM  
Ana Gelabert, City of Miami Planning  
Ted Baldyga, City of Hialeah Planning  
Steve Johnson, City of Miami Springs  
Jorge Gomez, City of Miami Beach

**FRIENDS OF THE  
EVERGLADES**  
*Founded by Marjory Stoneman Douglas*

May 13, 2002

VIA FAX, E-MAIL & FIRST CLASS MAIL

Kenneth R. Dugger, USACE  
Planning Division  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

RE: Draft Report - Comments by Friends of the Everglades  
Dredged Material Management Plan and Environmental Impact Statement, Miami,  
River, Miami-Dade County, Florida - March 2002 US Army Corps of Engineers

Dear Mr. Dugger,

In accordance with the requirements for public comment on this EIS, Friends of the Everglades offers the following comments on the Draft Report for DREDGED MATERIAL MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT, MIAMI RIVER MIAMI-DADE COUNTY, FLORIDA.

**Public Involvement:**

According to page 55 of the EIS the Sierra Club and Friends of the Everglades were to be sent copies of the DRAFT EIS. Neither group received copies. When we found out the copy had been released by others, we had to call and get a copy sent to the home of one of the Board members just to see the draft. The Corps seems to be relying on the Miami River Commission dredging committee meetings and several community meetings and several community meetings as public participation. These meetings are dominated by industry, consultants and lobbyists. The environmental community, the bay users (windsurfers, fisherman, boaters, bathers, etc.) have not been well represented nor included. In fact, the EIS is has been the Corps' only real outreach effort to get public involvement and who on the list of those notified represents bay users and which environmental group really got a copy of the draft EIS? Friends of the Everglades therefore questions the Corps commitment to public involvement states that the efforts to involve the public in this process as required under the NEPA are insufficient and, in fact, the Corps appears to be intentionally limiting the public debate regarding this project.

Specifically, who in the public offered feedback on impacts on recreation? (PM3). It stated that the public had a role in formulating the plan. Neither Surfriders nor The South Florida Board Sailing Association, both well known public groups known for recreating in the area and monitoring the area were not contacted at all. In fact, the South Florida Board Sailing Association was the group that pushed for a sanitary survey at Hobie Beach to find the source of the high pollution there. The health dept. believed the pollution was coming from the river. The South Florida Board Sailing Association did a presentation on water quality issues in front of the County commission and is very active in the area around the Causeway. That the Corps could not identify these important groups for outreach is at best negligent.

### **Protection of the Aquatic Preserve:**

The plume created by the dredging of the toxic river will be moved into the bay by tidal movement wind, and boat movement in and out of the river. According to a NOAA 1999 sediment study, the river sediment is actually more toxic than described in the draft report. The protection at the mouth of the river to the aquatic preserve should be the most important concern. Keeping shipping within the river is not as crucial as protecting the Bill Sadowski wildlife refuge (a shallow water preserve nearby) and the health of the public at the swimming beaches nearby.

In the EIS coordination act report (CAR) from the US Fish and Wildlife Service, there is a model run of where the Corps estimates the plume will go. According to the model, the plume would extend far north and south into the aquatic preserve. In fact, it appears the plume would go into the nature preserve as well. The plume in the Bay, and Corps' failure to adequately mitigate this type of impact is of great concern to Friends of the Everglades.

### **Protection of the Public:**

The Miami River is not just a source of toxic sediment. It is also a source of sewage pollution. In the 1999 NOAA sediment study, they found toxic sediment near the swimming beaches on Rickenbacker Causeway. Further, there is a sanitary survey being conducted by the Health Department at a swimming beach nearby – Hobie Beach – because of high levels of bacteria present. We are concerned how this dredging project will impact the people swimming so close to stirred up sediment plumes. Have the swimming beaches been addressed somewhere else? What about the protection for windsurfers in the area who have spray around them or are in the water for hours?

Has the Corps considered having larger items/obstacles removed from the bottom near the mouth of the river and then use hydrologic dredges that don't create the plume that the clamshell dredges would? This might help the safety of the public recreating in the water. There was no mention of this alternative in the Draft EIS.

Further, the Draft permit requires that there be adequate mitigation for water quality impacts. What exactly would that mitigation be? Who will be monitoring the water quality impacts? What are the standards that will be set? What will the Corps do if the standards are violated?

## **Protection of Marine Life:**

We are concerned with how the Manatee will be protected with such an extensive project. Unfortunately many manatee use this toxic river. Would hydraulic dredging or clam shell dredging be more dangerous for them? The main problem for manatees during the project is that they will be hard to see when you stir up the water. Some form of aerial survey should be undertaken. However isn't the Miami River on a departure flight path from MIA? Would that create airspace restrictions around the River dredging project? If so, how otherwise will the Manatee movement be monitored?

Hydraulic dredges might be better for the manatees in the river. However manatee movement would be interfered with. All the boating traffic backups due to the dredging, the use of turbidity curtains, dredging devices etc., is certain to further interfere with the manatees. We don't think the safety of this endangered sea mammal has been sufficiently addressed.

Friends is also concerned about how the sediment plume will reintroduce toxins in the food chain for sea life. On Page 13 PM1 Impacts to fish habitat: alternatives are qualitatively compared to assess any possible impacts on project area fish habitat. What are the alternatives that were measures? What were the findings?

The USFWS recommended a number of actions because they were concerned about the movement of the river contaminants into habitat for fish and wildlife. The Army Corps rejected several of them (hydraulic dredge, more modeling, etc.). Since the Army Corps rejected these alternate actions, how will they insure that habitats are protected? Further, the Corps rejected the requests of the USFWS with a one-sentence reply. This is an entirely insufficient response. Isn't the protection of habitat as important to the Corps?

## **Disposal of Toxic Dredge Material and Dredging Material Management:**

Who will be monitoring the CDF (confined disposal facility) see page 91. Where will the material be transported to once processed and dewatered? It seems you don't have an upland site (according to page 91 & 96) the sponsor refused the site for diking and open air-drying. The material will be confined to geotubes according to the document. It seems you are depending on the contractor to provide another upland site. If the combined efforts of county and agencies couldn't secure an upland site, how do you expect the contractor to find one and what will the Corp do if he doesn't? Are geotubes adequate for the vast amount of dredge material you are planning to remove? Friends feels the Corps is too heavily relying on "fall back options" which should be more closely examined before a decision is made.

In the draft Department of Environmental Protection "Conceptual Permit" it requires monitoring of water quality, toxicity, biological effects, etc. Exactly what is the monitoring plan? Who will be conducting this monitoring plan? Further, Friends of the Everglades cautions that failure to adequately monitor impacts to seagrass, sedimentation, and contaminants in Biscayne Bay will violate Federal and State Environmental laws.

Sediment Reduction: (Page 90). As the dredging project approaches the aquatic preserve, it might be more prudent to close the river to boat traffic to contain the sediment plume from contaminating the bay. If a barrier could be placed between the bay and the river (even for a short time) the plume to be more efficiently isolated. If boat traffic continues during the process the plume will be swept into the bay. I think the long-term benefits to shipping would far outweigh a few weeks of a moratorium on travel in the river. Has the Corps considered this course of action?

The report does not assess impacts that could occur from dewatering, thermal treatment (air impacts), or ultimate disposal. There are no details on disposal or the type of equipment to be used. What if someone proposes to make it into bricks and build houses or make roof tiles? Does the EIS consider this? When will a more comprehensive assessment occur? It seems as though some of these scenarios should be assessed now, not after the fact. There must be a number of disposal scenarios that Corps has discussed and that they would allow. These possibilities must be assessed now, before the pressure of mounting waste creates an "emergency" which could remove options.

Finally, we have heard it said repeatedly (by river commission people and the Corps) that water quality during the dredging will not be worse than it is now, because the ship traffic causes as much disturbance to the sediment as the dredge will.

Friends of the Everglades is insulted by this ridiculous assertion. The dredge will be operating nearly constantly, going outside the deeper channel to shallower areas where there is much more sediments. Ships, although they do stir up sediment, move only intermittently, and stay in the middle portion of the channel that is already scoured out. There would be much more resuspension during dredging, especially if there is dewatering. In fact, the Corps' own data indicates that several State of Florida numerical criteria for metals and organic chemicals will be exceeded and the antidegradation standard for OFWs will be exceeded.

Friends believes that background for the nondegradation standard should be based upon long term monitoring and/or the preproject monitoring as described by FDEP in the draft conceptual permit.

We look forward to your answers to the issues we have raised.

Very truly yours,

David P. Reiner, II, President  
Nancy Lee, Director  
Friends of the Everglades

cc: Board of Directors

**TROPICAL  
AUDUBON  
SOCIETY, INC.**

5530 Sunset Dr., Miami, FL 33143  
Phone (306) 666-5111 • Fax (306) 667-8343  
"THE VOICE OF CONSERVATION IN SOUTH FLORIDA..."

May 9, 2002

Mr. Kenneth R. Dugger  
US Army Corps of Engineers  
Planning Division  
P.O. Box 4970  
Jacksonville, FL 32232-0019

Ms. Susan Kaynor  
US Army Corps of Engineers  
Miami Regulatory Office  
11420 North Kendall Drive, Suite 104  
Miami, FL 33176

RE: Draft Report Dredged Material Management Plan (DMMP) and Environmental Impact Statement (DEIS), Miami River, Miami-Dade County, Florida and Department of the Army Permit Application number 200201965

Dear Mr. Dugger and Ms. Kaynor:

Please accept this correspondence as the Tropical Audubon Society's comments on the Miami River Dredging projects. If you have any questions, please feel free to contact me at the above phone number, or by e-mail at [director@tropicalaudubon.org](mailto:director@tropicalaudubon.org).

Contamination of the Miami River and Biscayne Bay:

Section 1.3.1 of the DMMP states, "The original USACE Feasibility Study, initiated in 1974, concluded that the removal of contaminated sediments must be achieved by non-Federal actions to control the introduction of pollutants into the Miami River to achieve the desired objectives of improving water and sediment quality." Further, Section 3.4.2.2 of the DMMP states, "The environmental impacts of leaving the navigation channel deposits in place is unknown. [Dredging may] improve the river bottom environment, perhaps permanently if pollution control initiatives are successful."

The Tropical Audubon Society feels that pollution control initiatives on the Miami River, while better than historic efforts, are not successful. Continued point and non-point pollution sources



make dredging a moot point as several types of contaminants still enter the River on a daily basis (including pesticides, industrial waste, sewage, petroleum, stormwater discharge, upland runoff, etc.). A visit to almost any marine facility on the river consistently demonstrates the presence of soils and other upland surfaces stained with any combination of paints, solvents, petrochemicals, and other contaminants. Also, it is very easy to find evidence of direct runoff from upland facilities into the River. Current marine facility and industrial practices on the River do not focus on containment of pollutants, as many facilities still apply industrial materials like paint and fiberglass in open non-contained areas, not to mention the unregulated vessel discharge of sewage and bilge materials that occur, also on a daily basis. Section 4.3 of the USWFS CAR states, "There are 30 listed NPDES permits for facilities known to discharge directly or indirectly into the Miami River...[and] approximately 20 other unspecified NPDES discharges which are believed to discharge into the Miami River system." There is no mention in the CAR, DMMP or DEIS of compliance rates with these permits, or consideration of other pollution violations and unauthorized discharges. Pollution sources on the river have been moderated, but not stopped. What efforts will be made to ensure that pollution sources are controlled? Why should there be a Federal effort to remove contaminated sediments if there is no guarantee of non-Federal efforts to control contamination of those sediments in the first place?

With regard to contamination of Biscayne Bay, channel shoaling is presumed to contribute to mixing action that resuspends river sediments, however, this presumption has not adequately been proven. What scientific evidence exists to support this theory? Section 3.3.6 of the DMMP states, "It has been speculated that it is on out-going tides and riverine flood flows that the resuspended sediments are transported from the Miami River to Biscayne Bay." The Tropical Audubon Society feels that the mechanisms of contamination of the Bay are not well understood and that the proposed dredging solution is not guaranteed to alleviate the problem. Conversely, the dredging may actually exacerbate the situation, resulting in a magnified impact of contamination escaping to the Bay. Section 3.4.3.3.3 of the DMMP states, "Mean and median turbidity levels for the River are 2.95 and 2.2 NTU respectively." Proposed dredging methods should have to demonstrate attainment with those levels in order to argue that dredging will not result in more significant impacts than regular vessel traffic.

The Tropical Audubon Society also takes exception with the assumption that sediment removal is the only solution to the problem of contaminated sediments. The Major Findings and Solutions section of the DEIS (page EIS-1) states, "The removal of contaminated sediments would improve overall long-term water and sediment quality of the Miami River...and eliminate the continuing movement of contaminated sediments into Biscayne Bay." What scientific evidence can be used to support this statement, especially in light of the continuing contamination of river soils and waters? Perhaps there is a better technological solution to ensure the health of Biscayne Bay. Will the RFP encourage the investigation of solutions other than dredging?

Reasons for dredging:

Section 1.3.1 of the DMMP, Section 1.1.1 of the DEIS and Section 1.3 of the USFWS CAR states, “The 1990 USACE Feasibility Report concluded that there was no apparent justification for removing the sediment to improve water quality or navigation”, the only apparent justification was to enable deeper draft vessels to use the Miami River. There is no evidence in any of the reports to indicate that the commercial/industrial use of the river is being adversely affected because of channel shoaling. Conversely, Section 5.2 of DMMP clearly demonstrates that the Miami River is generating more commerce, jobs and income than ever before. The threat of the shipping industry to depart the River if it is not dredged appears to be speculative at best, as they are experiencing such success at this time. Further, who is to say that departure of the shipping industry wouldn’t create other opportunities for development along the River that would be more appropriate for the environmental health of the River and the Bay, as well as more appropriate for the other River residents and businesses?

Promise of the DMMP & the EIS:

Both the DMMP and the EIS promise that all dredging will be performed in an environmentally acceptable manner in accordance with county, state, and federal regulations. Yet a Miami-Dade County Class I Permit is not being obtained for the channel dredging. How will environmental compliance issues, normally handled through the administration of the local permit, be handled? Who will be responsible for project monitoring, mitigation, compliance, and (if necessary) enforcement?

Typical cross sections:

The typical cross section shown in the DMMP demonstrate that channel depth is already near or at 15 feet in the center of the channel. This is the depth that the channel was originally dredged to in the 1930s. these cross sections also demonstrate that the only sediment buildup has been in the areas adjacent to the channel. At this time, large vessel traffic is coordinated along the River. Freighters and barges are choreographed such that there are no in-bound vessels when out-bound vessels are navigating the river. This ensures that freighters and barges are utilizing the center of the channel. Section 4.24 of the DEIS states, “Outfall controls and stormwater management plans that are in place or are planned for implementation are likely to result in reduced rates of sediment deposition and associated shoaling within the channel.” If the rate of sediment deposit to the River in general is being minimized, and the total accumulation of sediment in the middle of the channel is insignificant, why dredge?

Additionally, the cross sections show advance dredging and overdredging has high potential to impact the limestone under the sediment. Mechanical dredging (bucket, clamshell, etc) can break up the limestone substrate below the accumulated sediment. There is no guarantee that the underlying aquifer won’t be impacted. Section 3.4.1.2 of the DMMP and Section 2.1.3 DEIS states, “The impacts of [dredging the underlying rock layer] on the Biscayne Aquifer would be difficult to ascertain.” The Tropical Audubon Society feels that potential impacts to the Biscayne Aquifer constitute an unacceptable risk to the project. In the absence of local regulatory

involvement in the project, who will be responsible for monitoring of dredge spoil and reporting of both quantity and content of the spoil?

Flaws of the RFP process:

The RFP process is being touted as an opportunity for innovative technologies, cost efficiency, and project success. However, there is a long history of the RFP process resulting in a low-bid winner whose only goal is to maximize profits by utilizing short cuts to cut costs. The focus of low-bid winners is cost effectiveness, not environmental protection. In the absence of local regulatory involvement in the project, who will be responsible for monitoring to ensure environmental protection?

Selection criteria for dredging:

Section 3.4.1.6 of the DMMP states, “Water quality and other environmental standards provide sufficient controls and limits for operations without the exclusion of specific equipment for a job.” This statement implies that water quality and environmental standards will be maintained, but again the Tropical Audubon Society is concerned with how those standards will be enforced. Contractors will promise to maintain attainment with water quality and environmental standards, but there will be no guarantee prior to the commencement of work that those standards can even be attained with any particular dredge operation. Section 3.4.5.2.5 of the DMMP states, “The Government will select the successful proposer using criteria that will consider the overall best value to the government [low bidder], including but not limited to efficiency, technical expertise, neighborhood and environmental protection, as well as cost.” Will there be a follow-up or additional EIS to fully assess the potential impacts of the dredge process that is chosen?

Section 8.7 of the DMMP states, “Turbidity and other water quality monitoring will be required pursuant to FDEP water quality criteria where the dredge is working and at the outfall (if necessary) from the interim upland staging area.” Who is responsible for the monitoring? Who is responsible for compliance, and (if necessary) enforcement? What about mitigation for water quality impacts? What is being proposed and who will be responsible for any required mitigation? The FDEP and the USFWS have made it clear that high water quality standards be met at the mouth of the River and that no degradation of Biscayne Bay Aquatic Preserve (an Outstanding Florida Water) be allowed to occur. The Tropical Audubon Society insists that these requirements be met. We, along with the FDEP and the USFWS, want assurances that dredging will minimize release of contaminants into the Biscayne Bay Aquatic Preserve.

Additionally, while we are encouraged that the USFWS will be included in the service provider and methods selection process, we are discouraged that so many of the USFWS recommendations are not being considered. The Tropical Audubon Society strongly recommends adherence with all of the USFWS recommendations, especially with regards to: contingency plans in the case of water quality impacts; contingency plans for other work-stopages such as in the case of manatees in the area; and mandatory turbidity containment devices. The arguments against the use of turbidity containment devices (such as vessel traffic,

river size, flow and other contractor inconveniences) do not justify not using methods that are most likely to ensure the protection of endangered species and water quality.

Dredging methodology:

The Tropical Audubon Society urges the USACE to select the most environmentally friendly technology, presumably the pneumatic dredge as recommended by the USFWS in their CAR. The USFWS CAR Executive Summary states, “The amount of silt and contaminants reaching the Bay, as a result of dredging operations, will depend on dredging methodology, timing, spoil disposition, and de-watering methodologies, and turbidity containment.” How can the USACE have done a DEIS when there has been no method selected for thorough analysis? Further, Section 4.2 of the CAR states, “Dredge-generated sediments and contaminants will move from the Miami River into Biscayne Bay, and disperse in differing concentrations and locations depending on settling rates, river-flow velocities, prevailing winds, and tidal currents.” The USACE Tracer Study clearly indicates that there may be more appropriate atmospheric and tidal conditions during which to conduct dredging. The Tropical Audubon Society feels that these conditions should figure prominently in the RFP specifications and construction methodologies. How are considerations of wind conditions, weather and tide going to figure in the RFP.

Section 4.3 of the CAR states, “Resuspension of sediments throughout the duration of short-term dredging and disposal activities will likely enhance introduction of bioaccumulating compounds...into the food chain of fish and wildlife that feed in the estuary. Although resuspension of contaminants would only continue through the active phase of the project, associated bioaccumulation and biomagnification of these contaminants could significantly contribute to cumulative adverse affects to the Biscayne Bay ecosystem.” These affects are not addressed in the DEIS or DMMP and the project should not commence until these affects can be addressed such that they can be avoided, or at least, minimized. Section 5.1 of the CAR states, “The Corps has indicated that turbidity is the only monitoring parameter necessary for this project. However, the concentration, transport, and fate of resuspended contaminants is not directly tied to suspended solids. Once sediments are resuspended, contaminants will become soluble at varying rates and concentrations...turbidity standards alone are not reflective of the potential for sedimentation damage to aquatic resources, including seagrasses.” How will the USACE account for the transport of contaminants during the dredging process and how will the USACE evaluate cumulative effects on the Biscayne Bay ecosystem?

Dewatering, transportation and handling of contaminated sediments:

Many questions remain concerning the handling to dredge materials (sediment and water). These questions must be addressed. How many interim storage/treatment sites will there be prior to the final disposal? How will the material be transported to sites? The rail versus trucking versus barging versus pumping decision should not be based on an apparent cost analysis because cost efficiency does not always contemplate true social costs associated with environmental degradation. Who is responsible for the maintenance and monitoring of the interim and final storage sites? Who is responsible for soil, ground water and surface water protection at the sites?

Who will determine if the sites have adequate diking and lining with appropriate leachate containment and collection systems, adequate monitoring wells, appropriate contingency plans for discharge events and remediation/mitigation proposals for contamination of soils and waters?

Method of final disposal:

Who is responsible for “cradle-to-grave” management of the dredge spoils and associated contaminated water? Who will verify that the material is completely dried prior to final transport? How will the material be handled during final transport to ensure that it is not rehydrated (and therefore can potentially contaminate other areas). The DMMP and the DEIS clearly indicate that the material is not suitable for use as fill or for use in CDM aggregates. Who will ensure these materials are not “lost” in their final disposal and end up being used in the construction of some public facility? Section 3.4.2.8 of the DMMP states, “The pollution controls at the final disposal site would be imposed by environmental regulatory agencies” but the local environmental agency has been precluded. Section 3.4.5.2.1.8 of the DMMP states, “A significant barrier to use of the resulting material...is the lack of regulatory standards for the product.” What assurance can the USACE provide that the material won’t be used inappropriately?

Debris:

Bathymetric surveys do not adequately identify debris that may interfere with the most appropriate dredging methods. The Tropical Audubon Society strongly feels that dragging is not an appropriate method, because of the high likelihood that contaminated sediments will be suspended in the water column at an exaggerated rate. How does the USACE intend to handle the problem of debris removal in order to ensure that contaminated sediments will not be disturbed?

Outstanding Florida Waters:

Section 3.4.3.1.1.1 of the DMMP states, “No activities may be permitted that would result in degradation of water quality.” The Tropical Audubon Society feels that contaminated sediments do represent a threat to the OFW, and that dredging will amplify the current rate of sediment resuspension if the work is not conducted in a controlled manner. The Tracer study demonstrates that contaminants migrate to the Bay. Many of the USFWS recommendations sought to address this issue, and yet they were summarily dismissed as unnecessary. What does the USACE propose to do to address these issues, in the absence of complying with the USFWS recommendations? It has also come to our attention that the Corps is disputing the FDEP Water Quality Criteria (WQC) in the conceptual Environmental Resource Permit (ERP) and specific conditions within the ERP. The Tropical Audubon Society insists that the WQC must be maintained as stringently as possible. Is the Corps prepared to vigorously defend and uphold the WQC and only consider methodologies that do not exceed current rates of sediment loading into the Biscayne Bay?

Formulating a final recommendation:

Section 7.0 of the DMMP states, “Uncertainties exist regarding actual dredging needs, the future quality of sediment, and the cost effectiveness and efficiency of developing management options.” Therefore, the DMMP and the DEIS do not adequately address impacts to the proposed project. Is the USACE going to issue a new DEIS and DMMP when a particular methodology or provider is chosen?

Manatees:

Pursuant to the Miami-Dade County Manatee Protection Plan, the Miami River is designated as Essential Manatee Habitat. The Tropical Audubon Society insists that all measures to protect manatee be implemented and enforced. Section 4.3.3 of the DEIS states, “If river shoaling continues to a point that it diminishes navigation traffic, boat-manatee collisions may decrease.” In other words, if the river continues to shallow and results in reduced vessel traffic, there would be greater consistency with section 7 of the Endangered Species Act and greater protection to manatees. What provisions is the USACE willing to offer to ensure that no manatees are harmed during the project or after the project is completed and larger vessels are using the River?

All manatee conditions in the ERP must be enforced. All construction personnel must be trained in manatee issues to avoid vessel collisions, crushing, and other potential injuries to manatees. Who is responsible for the monitoring, compliance and (if necessary) enforcement of manatee conditions? Section 4.3.1 of the DEIS states, “A physical control that helps exclude manatees from the dredging area is a silt curtain. Floating baffles of the silt curtains help avoid undetected intrusions of manatees into work areas.” This is true only when the curtains are deployed correctly and maintained. The Tropical Audubon Society has first-hand knowledge of manatees inside a similar barrier, actually chewing on algae growing on a barge that was involved in the recent re-construction of the 2<sup>nd</sup> Avenue bridge. Who will be responsible for inspecting curtains and other barriers? Who will be responsible for checking for manatees in the project area and reporting sightings to the appropriate agencies?

Seagrasses:

Section 3.4 of the DEIS states, “Seagrasses do not occur in the Miami River or at the mouth of the river in Biscayne Bay.” This statement implies that there are no seagrasses in proximity to the River. However, there are seagrasses landward of Claughton Island/Brickell Key and the Tropical Audubon Society would like to see a more thorough investigation in the shallower areas directly north of Claughton Island/Brickell Key. We believe it is a highly likely that seagrasses may occur in those areas as well. Section 4.1 of the USFWS CAR states, “Dredging the Miami River, without adequate suspended sediment minimization and containment, could likely result in sedimentation of nearby seagrasses in excess of background.” The Tropical Audubon Society agrees with the USFWS recommendation that a seagrass monitoring program be initiated to ensure that dredging activities do not adversely impact this important natural resource.

### Public Participation:

Section 6.3 of the DEIS lists recipients that should have received the DEIS and associated documents. The Tropical Audubon Society is listed as a recipient, and yet we never received it. When it came to my attention (after April 13, 2002) that the DMMP/DEIS was available, I tried to access it on-line over many days and times. This effort was unsuccessful, so I requested a

copy from the USACE Jacksonville office, which I received on May 1, 2002. That left me with less than 2 weeks to go through hundreds of pages of documents and submit comments on time!

Since this is a project with regional implications, and since the primary participants to date have been river industry representatives, the Tropical Audubon Society hereby requests a public hearing. The purpose of this hearing would be to ensure that the concerns of river residents, private submerged lands and/or structure owners, and other stakeholders are being addressed, not just river industry. Non-river-industry stakeholders have been inadequately considered and involved in the process.

### Outside the Federal Channel Dredging:

Section 3.3.6 of the DMMP indicates 184,000 cubic yards of dredging will occur outside the federal channel. The Public Notice for the Department of the Army permit application (number 200201965) indicates that 450,000 cubic yards of dredging will occur outside the federal channel. Why is there such a discrepancy? Who is going to address the concerns of residents and private submerged lands owners that may be affected by this additional work? Who is liable for damages to existing structures (bulkheads, docks, etc)? Will there be a FDEP ERP issued for this project that is separate from the work occurring within the channel? Who is responsible for choosing the contractor and methods? Who is responsible for monitoring the project, compliance of permit conditions and (if necessary) enforcement? Is the project going to be done concurrent to the dredging in the channel? Is the RFP going to cover both projects? Is the dredge spoil and effluent going to be handled the same or differently? What is the justification for the excessive dredging proposed north of Claughton Island/Brickell Key (where there is no marine facility or navigable channel)?

Again, the Tropical Audubon Society hereby requests an adequately noticed public hearing. The purpose of this hearing would be to ensure that the concerns of river residents, private submerged lands and/or structure owners, and other stakeholders are being addressed, not just river industry. Non-river-industry stakeholders have been inadequately considered and involved in the process.

### Conclusions:

- ❖ The Tropical Audubon Society feels that the USACE can't fully evaluate the project impacts until dredging and disposal methodologies are determined, specific environmental safeguards are proposed, and information concerning sediment/contaminant transport within the River and out to Biscayne Bay is better understood. Since dredging contamination is likely to be

much higher than vessel traffic contamination, every effort must be made to ensure that the transport of contaminants within the River and out to the Bay is controlled.

- ❖ Pollution sources along the River have not been eliminated, therefore, the problem of sediment contamination will continue.
- ❖ According to the cross sections, the channel has 1930s era depths. Limited accumulation over 70+ years doesn't justify the need for dredging.
- ❖ The project must comply with the FDEP WQC and only employ methods that guarantee attainment with required standards.
- ❖ As stated by the USFWS, the least environmentally damaging techniques for dredging, spoil disposition, dewatering, debris removal and disposal is of the utmost importance, and should be the most critical determinant in choosing a service provider.
- ❖ The project cannot be adequately assessed until after the RFP process is completed. The Tropical Audubon Society asks that a follow-up or amendment to the DEIS and DMMP be completed after the RFP process to address the specifics of the chosen project. The DEIS is not comprehensive because it doesn't address realities of project, which haven't been defined yet.
- ❖ The FDEP WQC and ERP conditions must be upheld, not weakened or repealed when the final permit is being contemplated.

The Tropical Audubon Society would support the dredging project if:

- ❖ Pollution sources along the River are ceased. The Tropical Audubon Society feels that the \$70 million could be better spent on enforcement of existing pollution/sewage control laws.
- ❖ A defined proposal were considered and evaluated such that its true environmental impacts can be adequately assessed
- ❖ The chosen alternative truly demonstrates the greatest effort to avoid adverse environmental impacts.
- ❖ The chosen alternative fully considers the full estimate of both channels (600,000 cy) and non-channel (450,000 cy) dredging.

Thank you for this opportunity to comment on this project. I look forward to your response to our questions and concerns.

Sincerely,

Cynthia Guerra, Executive Director  
Tropical Audubon Society

Cc: Kent Edwards, FDEP  
Brad Reick, USFWS  
JoAnne Clingerman, DERM